THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.17272 of 2006

DATE: 21.8.2006

Between:
1. V.Raghuram and another … Petitioners

and

1. The Chief Commissioner, Customs & Central Excise, Hyderabad and 2 others … Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.17272 of 2006

COMMON ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard both sides and at their request the writ petition itself is being disposed of at the stage of admission.

The writ petition is filed against the order of the Central Administrative Tribunal, Hyderabad Bench, in O.A.427 of 2006 dated 27.7.2006, whereby the Tribunal, while granting relief to the 3rd applicant in the O.A, rejected the request of the petitioners herein on the ground that a period of six months had not elapsed since the date they had submitted their representations.

All the three applicants in the O.A, including both the petitioners herein, were initially convicted by the Special Judge for C.B.I. cases, Hyderabad, by judgment dated 25.1.2002, under Section 13(1)(d) and 13(2) of the Prevention of Corruption Act. Aggrieved thereby, Criminal Appeal No.82 of 2002 was filed which was allowed by this Court by order dated 3.1.2006, the conviction and sentence passed by the Special Judge was set aside, and all the three applicants were acquitted. Pursuant thereto both the petitioners herein filed their representations on 10.5.2006 and 9.6.2006 respectively with a request that their cases be considered for promotion. The 3rd applicant, in the O.A, had

earlier submitted his representation on 20.1.2006 immediately after the order in Criminal Appeal No.82 of 2002 dated 3.1.2006. The Tribunal referred to Section 20 of the Administrative Tribunals Act, and the judgment of the Apex Court, to dismiss the O.A. in so far as Applicants 1 and 2 (petitioners herein) were concerned holding that they had come before it without awaiting expiry of the six months period after submitting their representations, on their acquittal by this Court in Crl.A.No.82 of 2002 dated 3.1.2006.

The Tribunal directed that the 3rd applicant's application be considered as six months had expired since he had submitted his representation. Since the petitioners herein were similarly situated to that of the 3rd applicant in the O.A, all of whom were together acquitted by this Court in Criminal Appeal No.82 of 2002 dated 3.1.2006, the Tribunal ought not to have rejected the case of the petitioners herein (applicants 1 and 2) and instead should have treated them on par with the 3rd applicant, and since the petitioners herein have also been acquitted in the criminal case and are similarly situated to that of the 3rd applicant in the O.A, and as no rule or provision which precludes their cases from being considered for promotion has been brought to our notice, their cases ought to have been directed to be considered for promotion also.

The order of the Tribunal, rejecting the request of the petitioners herein, is set aside and the respondents are directed to consider the cases of all the three applicants in the O.A. for promotion to the post of Superintendent and for grant of other consequential benefits in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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B. PRAKASH RAO, J

Date: 21-08-2006

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RAMESH RANGANATHAN, J

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